IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

OP. No. 25834 of 1998(A)

PETITIONER:

K.P. JOSEPH,
KOLLANNUR THARAYIL HOUSE,
KOTTEKAD, P.O. KUTTOOR,
THRISSUR.

BY ADV. SRI. P. RAMAKRISHNAN

RESPONDENTS:
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1. THE LABOUR COURT, ERNAKULAM.

2. SENIOR TRADERS KURI PRIVATE LTD.,
KOTTEKKAD P.O, KUTTOOR,
THRISSUR - 13, REP. BY ITS MANAGING DIRECTOR.

BY ADV. SRI. S.V. BALAKRISHNA IYER
SRI. P.B. KRISHNAN
GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. No. 25834/1998(A)

Order on C.M.P. No. 45328/1998 in O.P. No. 25834/1998

Dismissed.

23.08.2007 **Sd/- KURIAN JOSEPH, JUDGE.**

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF AWARD OF LABOUR COURT, ERNAKULAM DATED 29.05.1996.

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH, J.

O.P. NO. 25834 OF 1998

Dated this the 23rd day of August, 2007.

J U D G M E N T

Exhibit P1 Award passed in Industrial Dispute No. 157/1991 on the file of Labour Court, Ernakulam is under challenge. The issue referred for adjudication was the denial of employment.

2. The Labour Court on elaborate consideration of the evidence on record found that the workman himself was one of the members of the Board of Directors of the respondent-firm and on his resignation, he was appointed as officer-in-charge of the management. It was found from the evidence that the appointment was for a stipulated term and it was being extended from time to time. It was also found that the workman had crossed the age of superannuation.

3. Though learned counsel for the workman vehemently contended that no materials were available before the Labour Court to arrive at the conclusion, I am afraid that contentions cannot be appreciated. The fact remains that the workman was discharging the duties of a supervisor. The evidence also shows that the appointment was made on an year to year basis.

4. It is also seen from the award that the workman himself did not have any serious dispute with regard to his age as on the date of termination.

For all the above reasons, I find that there is no error apparent on the face of the award and the award is only just and reasonable. This original petition is hence dismissed.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 25834 OF 1998

J U D G M E N T

23.08.2007